

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TAPCO INTERNATIONAL CORPORATION,

Plaintiff,

v.

DINESOL BUILDING PRODUCTS, LTD.,

Defendant.

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Case No. 05-70934

Honorable Nancy G. Edmunds

**ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION TO DISMISS  
AND/OR FOR SUMMARY JUDGMENT [74] AND STAYING ACTION**

This patent dispute came before the Court on Defendants Dinesol Building Products, Ltd. and Dinesol Plastic, Inc.'s motion to dismiss and/or for summary judgment [74]. The issue of a stay arose at the April 11, 2006 hearing on this motion, and the Court ordered the parties to provide supplemental briefs.

Being fully advised in the premises, having read the pleadings, and for the reasons stated in Plaintiff's supplemental brief on the stay issue, this Court DENIES Defendants' motion WITHOUT PREJUDICE and STAYS THIS ACTION pending a decision on Plaintiff Tapco International Corporation's appeal to the Federal Circuit Court of Appeals of a December 6, 2005 Order issued by the United States District Court for the Northern District of Ohio in the matter of *Dinesol Building Products, Ltd. v. Tapco International Corporation*, No. 04-00185.

Judicial economy and prudence weigh in favor of staying litigation that involves issues pending before the Federal Circuit Court of Appeals. A stay will avoid the possibility of

inconsistent decisions and duplicative proceedings.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: April 25, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 25, 2006, by electronic and/or ordinary mail.

s/Carol A. Hemeyer  
Case Manager